



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.5.10	Subject: <b>REGISTRATION OF SEXUAL AND VIOLENT OFFENDERS</b>
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3 and Attachments
Section 5: Case Records Management	Effective Date: March 17, 1997
Signature: /s/ Mike Ferriter, Director	Revised: 01/19/12

## **I. POLICY**

The Department of Corrections facilities and programs will enforce the applicable provisions of the Montana statute relative to the release, registration, and notification requirements for sexual and violent offenders.

## **II. APPLICABILITY**

All divisions, facilities and programs Department-owned and contracted, as specified in contract.

## **III. DEFINITIONS**

Release from Custody – Discharge of an offender outside the confines of a state correctional facility, i.e., discharge, conditional release, parole, probation, prerelease, or other community placement.

Sexual Offense – The offenses contained in the definition of that term under [46-23-502, MCA](#).

Sexual or Violent Offender – A person who has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual or violent offense.

Violent Offense – The offenses contained in the definition of that term under [46-23-502, MCA](#).

Youth Sexual or Violent Offender – A person who in youth court has been found to have committed or been adjudicated for a sexual or violent offense.

## **IV. DEPARTMENT DIRECTIVES**

### **A. Offender Registration Applicability**

1. Registration provisions apply to the following:
  - a. adult sexual offenders who are sentenced or who are in custody or under the supervision of the Department on or after July 1, 1989;
  - b. adult violent offenders who are sentenced or who are in the custody or under the supervision of the Department on or after October 1, 1995;
  - c. youth sexual or violent offenders who committed the qualifying sexual or violent offense before May 11, 2007 and who the youth court ordered to register as set forth in the order of adjudication; and
  - d. youth sexual offenders who committed the qualifying sexual offense on or after May 11, 2007 and who the youth court did not specifically in the order of adjudication exempt from the registration requirement.

**B. Registration of Sexual and Violent Offenders**

1. The Montana Department of Justice maintains the Sexual and Violent Offender Registry, and information contained on the registry is disseminated according to [46-23-508, MCA](#).
2. The Department will follow [46-23-508, MCA](#) when a sexual or violent offender under the custody of the Department is released from Department custody by taking the following actions:
  - a. at least 10 days prior to release of a sexual or violent offender from custody, an institutional probation and parole officer (IPPO) or youth correctional facility staff will:
    - 1) inform each sexual or violent offender in writing that when the offender is released from custody, he or she has a statutory obligation to register with local law enforcement within 3 business days of arrival in a county of this State and that if the offender fails to register he or she can be charged with Felony Failure to Register; and
    - 2) record in the offender's records the address where the offender intends to reside upon release.
  - b. prior to a sexual or violent offender's release from adult or youth facility custody, an IPPO or youth correctional facility staff will provide to the Department of Justice and the sheriff of the county in which an offender intends to reside, or, if an offender intends to reside in a municipality, to the chief of police of the municipality:
    - 1) the address at which the offender intends to reside upon release from custody;
    - 2) the offender's fingerprints and photo, unless they are already in the possession of the Department of Justice, sheriff, or chief of police; and
    - 3) a form signed by and read to or by the offender stating that the offender's duty to register under this part has been explained to the offender.

**C. Sexual Offenders Without Risk Designation**

1. The Probation and Parole Bureau will identify adult and youth sexual offenders who are on adult probation or parole and who are required to register but did not receive a level of risk designation at the time of sentencing or time of release from a facility and will submit a request to the appropriate county attorney's office. The request will petition the district court to assign a risk level designation to the offender and include a recommended designation based on the psychosexual evaluation completed prior to sentencing or adjudication.
2. The Department will provide notice prepared by treatment staff to the Department of Justice and local law enforcement of the risk of re-offense by an adult or youth sexual offender released from a state or private correctional facility according to the following:
  - a. when a tier-level assessment exists, the notice will indicate risk in accordance with the following:
    - 1) Level 1 – the risk of a repeat sexual offense is low;
    - 2) Level 2 – the risk of a repeat sexual offense is moderate; and
    - 3) Level 3 – the risk of a repeat sexual offense is high.
  - b. if a tier-level assessment does not exist, the Department will notify the Department of Justice and local law enforcement that the offender was not given a tier level

designation by the sentencing court and that no such assessment is on file with the Department.

## V. CLOSING

Questions concerning this policy should be directed to Department Legal Services Bureau.

## VI. REFERENCES

- A. [41-5-1513, MCA](#); [46-18-201\(7\), MCA](#); [46-18-255\(2\), MCA](#); [46-23-501, MCA](#); [46-23-502, MCA](#); [46-23-503, MCA](#); [46-23-504, MCA](#); [46-23-505, MCA](#); [46-23-506, MCA](#); [46-23-507, MCA](#); [46-23-508, MCA](#); [46-23-509, MCA](#); [53-1-203, MCA](#)

## VII. ATTACHMENTS

[SVOR Registration](#)

[SVOR Change of Information](#)